

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION

JAMES YOUNG, )  
 )  
Plaintiff, )  
v. ) No. 2:08-0028  
 ) JUDGE ECHOLS  
BOSTON SCIENTIFIC CORPORATION, )  
et al., )  
 )  
Defendants. )

ORDER

Pending before the Court are the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on December 4, 2008 (Docket Entry No. 26), Defendants' Motion for Summary Judgment (Docket Entry No. 12), and Defendant Abbott Laboratories' Motion To Dismiss (Docket Entry No. 23). Pro se Plaintiff James Young did not respond to the pending motions or to the Magistrate Judge's Order to Show Cause (Docket Entry No. 24) why summary judgment should not be entered against him. Plaintiff also did not file any objections to the R&R.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

Having carefully reviewed the file, the Court finds that no error of fact or law appears in the R&R. Defendant Boston Scientific Corporation is entitled to summary judgment because it is an improperly named party. Defendant Abbott Laboratories is

entitled to summary judgment based on Plaintiff's prior written release of the claim stated in the Complaint. Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 26) is hereby ACCEPTED;

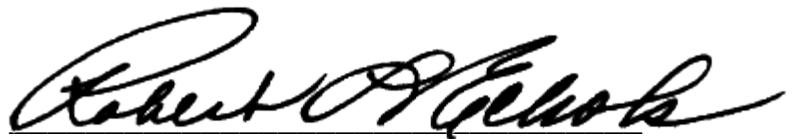
(2) Defendants' Motion for Summary Judgment (Docket Entry No. 12) is hereby GRANTED;

(3) Defendant Abbott Laboratories' Motion to Dismiss (Docket Entry No. 23) is hereby DENIED AS MOOT;

(4) This case is hereby DISMISSED WITH PREJUDICE; and

(5) Entry of this Order on the docket shall constitute entry of final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE